

REMARKS/ARGUMENTS

Claims 1-13 were pending in the application of which claims 1 and 7 were independent claims. Claims 1-13 were rejected. Applicants respectfully submit that pending claims 1-13 are now in condition for allowance in view of the following remarks and amendments.

Amendments to the Claims:

Applicants elect to amend claims 1 and 7-13 to further define the TTY capability and integration with the mobile device, as suggested by Action (see Action page 6). Applicants believe all amendments are fully supported by the specification and no new material has been added. Applicants reserve the right to pursue the original claims in a later continuation.

Claim Rejections Under § 103:

Paragraph 2 of the Office Action rejects claims 1-13 under 35 U.S.C. § 103(a) as allegedly being obvious over Vejlgaard (U.S. Publication No. US2003/0053603) in view of Lieberman et al. (U.S. 6,385,463). With respect to claims 1-13, Applicants respectfully disagree that Vejlgaard in view of Lieberman teaches every element. Applicants traverse the rejection because, as amended, Vejlgaard in view of Lieberman fails to make out a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary

skill in the art, to modify the reference or to combine reference teachings.

Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In order to allege a claim is obvious when references are combined under 35 U.S.C. 103(a) the combination must teach each and every limitation of the claim. In this case, the rejection must fail because Vejlgaard and Lieberman alone or in combination, fail to teach each and every element of the claims as amended.

Further, as the Federal Circuit has made clear, the first two criteria inform the prongs of the three-way test referred to in *Graham v. John Deere* in order to prevent the reliance on impermissible hindsight. In this case, the references fail to provide a proper motivation to combine the references or reasonable expectation of success. Accordingly, with respect to claims 1-13 the rejection must fail and is at best based on improper hindsight.

In contrast with claim 1, Vejlgaard fails to teach or suggest “a mobile communication device capable of two-way radio communication having teletypewriter (TTY) communication capability” and comprising “a microprocessor within the mobile communication device capable of converting between alphanumeric data and TTY formatted data; memory associated with said

microprocessor; mobile user interface in communication with said microprocessor; and conversion information stored in said memory for conversion between alphanumeric data and TTY formatted data” (See Applicants’ Claims).

Specifically, Vejlgaard fails to teach a mobile communication device that has integrated TTY communication capability and that stores conversion information to convert between alphanumeric data and TTY formatted data. That is, Vejlgaard teaches a mobile device “system” that includes a mobile device, i.e., mobile communication device (230), connected by way of a serial cable, i.e., smartcable (220) to a TTY device (210). (See Vejlgaard, paragraph [0025]). Thus, Vejlgaard is simply cumulative of the prior art disclosed in the “Background” of the present application. (See Applicants’ Specification pages 4-5).

The user of the “mobile device system,” taught in Vejlgaard, would input data (i.e., communicate) through the TTY device 210 rather than through the alphanumeric keyboard of the mobile device. Therefore, there would be no reason for an alphanumeric data to TTY formatted data conversion operation to occur in the mobile device at all using the Vejlgaard system. As such, it **cannot** be obvious that there is alphanumeric data to TTY formatted data conversion information stored in the memory of the mobile device taught in Vejlgaard as asserted by the Examiner (See Office Action of March 7, 2007). Lieberman et al. fails to cure the deficiencies of Vejlgaard as it is completely silent as to a mobile

device with a memory portion that stores alphanumeric data to TTY formatted data conversion information.

Furthermore, in contrast with claims 3-6, Vejlgaard fails to teach or suggest a “mobile communication device” that includes an “encoder for encoding teletypewriter (TTY) packet extension data” (See Claim 3), a “decoder for decoding teletypewriter (TTY) formatted data” (See Claim 4), a “teletypewriter (TTY) tone generator for generating TTY tone formatted data for transmission” (See Claim 5), and a “teletypewriter (TTY) tone detector for detecting TTY tone formatted data” (See Claim 6), for the same reasons as those discussed above. More specifically, the encoder, decoder, tone generator, and tone detector identified in the Action are clearly not part of mobile device 130 or 130. Therefore, it cannot be asserted that, e.g., mobile device 230 comprises these items as the Action attempts.

Mainly, Vejlgaard teaches a “system” that is essentially a coupling of a separate TTY device via a serial cable to a separate mobile communication device, which, as discussed above, is the prior art that the Applicants’ claimed invention replaces. (See page 5, lines 16-19). The mobile device taught in Vejlgaard has no capability to decode or encode TTY packets (this is performed by the smartcard serial cable, See Vejlgaard, Figure 2, paragraph [0025]) nor does it generate or detect TTY tones (this is performed by the TTY device, See Vejlgaard, Figure 2, paragraph [0021]). Lieberman et al. fails to cure the deficiencies of Vejlgaard as it is completely silent as to these component features being integrated together in a mobile communication device.

For at least the above reasons, the Applicants respectfully request that this rejection be withdrawn for claims 1 and 3-6. Claim 2 depends directly off of claim 1. Accordingly, the Applicants respectfully submit that claims 1-6 are in condition for allowance.

In contrast with claim 7, Vejlgaard fails to teach or suggest “A method of transmitting teletypewriter (TTY) formatted data from a mobile communication device capable of two-way radio communication and comprising a microprocessor and memory in which conversion information for conversion between alphanumeric data and TTY formatted data, the method comprising: in the microprocessor, accessing the conversion information for conversion between alphanumeric data and TTY formatted data in the memory; and in the microprocessor, converting between alphanumeric data and TTY formatted data using the conversion information.” (See Applicants’ Claims).

Specifically, for the same reasons as those discussed above, Vejlgaard teaches a mobile communications “**system**” that enables TTY communications **NOT** a mobile communications “**device**” that has integrated TTY communications capability as taught in claim 7. Lieberman et al. fails to cure the deficiencies of Vejlgaard as it is completely silent as to these component features being integrated together in a mobile communication device.

Moreover, in contrast with claims 9-13, Vejlgaard fails to teach or suggest a mobile communication device capable of “converting TTY formatted data received by the mobile into alphanumeric data” (See Claim 9), “decoding TTY formatted data received by the mobile communication device with a decoder”

(See Claim 10), “detecting TTY tone formatted data received by the mobile communication device with a TTY tone detector” (See Claim 11), “encoding TTY packet extension data to a signal for transmission from the mobile communication device” (See Claim 12), and “generating TTY tone formatted data for transmission from the mobile communication device” (See Claim 13), for the same reasons as those discussed above. Lieberman et al. fails to cure the deficiencies of Vejlgaard as it is completely silent as to these functionalities being integrated together in a mobile communication device.

For at least the above reasons, the Applicants respectfully request that this rejection be withdrawn for claims 7 and 9-13. Claim 8 depends directly off of claim 7. Accordingly, the Applicants respectfully submit that claims 7-13 are in condition for allowance.

Accordingly, Veglgaard in view of Lieberman cannot anticipate claim 1 or claim 7. Claims 2-6 depend from claim 1, and Claims 8-13 depend from claim 7. Claims 2-6, 8-13 are therefore also allowable for at least the same reasons as discussed with respect to claim 1 and 7. Applicants, therefore respectfully request withdrawal of the rejection of claims 1-13.

CONCLUSION

Applicants believe that no additional fees are necessitated by this response. The Commissioner is hereby authorized to charge any additional fees required by this response to our **Deposit Account No. 50-3001 of Kyocera Wireless Corp.** (Attorney Docket No. UTL00120).

Respectfully Submitted;

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